

**Office of Water Quality  
Briefing Paper  
Water-008-NPD**

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**Title**

January 1, 2004, Effective Date for Isolated Wetland Determinations

**Description of Need**

Many determinations required by Indiana state law concerning isolated wetlands require one to know when in the past certain activities occurred. Unfortunately, the rule is silent on how far back one should or must look when making this determination. Taken to the extreme, one could interpret this to mean that one would need to compare a wetland's current hydrology and vegetative condition to that of its pre-settlement 'natural' condition. Under this extreme view, proving or disproving disturbance would become an unreasonable hardship. IDEM did not wish to create an unreasonable burden for itself or its applicants and agreed with stakeholders that a cut-off date be established.

**Proposed Policy Resolution**

January 1, 2004, is the effective date of the Indiana State law governing the regulation of isolated wetlands. When considering the condition of an isolated wetland, we must compare its current condition to its condition on January 1, 2004. There are several implications for this policy resolution, as outlined in the NPD.

**Information Used to Develop NPD**

In the development of this NPD, IDEM employed State Law (IC 13-18-22) and rules (327 IAC 17) concerning state regulated wetlands and wetland activity permits.

**Informal Process for NPD Review**

IDEM distributed the draft NPD to the Wetlands Policy workgroup for review and development.

**Request for Public Comments**

This notice requests the submission of comments on the draft NPD. Mailed comments should be addressed to:

Rebecca Schmitt, Rulewriter  
Rules Development Section  
Office of Water Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Development Section at (317) 233-8903.

**Comment Period Deadline**

The comment period ends forty-five (45) days after the draft NPD is posted to the website.

**Contact**

Technical information regarding this draft NPD may be obtained from James Robb, Wetlands Special Projects Manager, Office of Water Quality, (317) 233-8802.

**Presentation to the Board**

Following the forty-five (45) day comment period, this NPD will be presented to the Water Pollution Control Board at the meeting on August 9, 2006, time and location to be determined.